

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ADT SECURITY SERVICES, INC.,

Employer,

and

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL
UNION 349, AFL-CIO,

Petitioner.

Case No. 12-RC-071890

**EMPLOYER’S MOTION FOR RECONSIDERATION OF THE BOARD’S DECISION
ON REVIEW AND ORDER**

Pursuant to Section 102.65(a), 102.65(e) of the National Labor Relations Board Rules and Regulations, and 11282 of Part 2 of the National Labor Relations Board Casehandling Manual, ADT Security Services, Inc. (“ADT” or “Employer”), files this Motion for Reconsideration of the Board’s Decision on Review and Order in this matter.

The Board’s Decision on Review and Order (the “Decision and Order”), issued on April 9, 2012, appropriately remanded this case to Region Twelve for further appropriate action consistent with the Board’s finding that “separate elections, one in a unit consisting of high volume installation and service technicians [“high volume unit”], and the other in a unit consisting of the commercial installation and service technicians [“commercial unit”]” should be held. Decision and Order at 1. With utmost respect, we observe that the Decision and Order did not address Employer’s request for review of the Regional Director’s finding (actually, the Regional Director’s lack of a finding) on Employer’s contention that if the units were appropriately separated, the commercial unit should include commercial production clericals and

commercial warehouse employees (“disputed commercial employees”), and high volume unit should include the high volume production clericals and high volume warehouse employees (“disputed high volume employees”).

This Motion for Reconsideration is thus based upon the following two grounds:

1. The Decision and Order did not address the Employer’s request for review of the Regional Director’s finding on Employer’s contention that if the unit was split into a commercial unit and a high volume unit, which the Board has so now found, (a) the commercial unit should include the disputed commercial employees and (b) the high volume unit should include the disputed high volume employees.

2. As fully detailed in Employer’s Request for Review filed with the Board on March 2, 2012, (a) the disputed commercial employees share an overwhelming community of interest with the commercial installation and service technicians, and (b) the disputed high volume employees share an overwhelming community of interest with the high volume installation and service technicians.

3. Because these overwhelming communities of interest exist, two appropriate units exist, one being a commercial unit that includes both commercial installation and service technicians, and the disputed commercial employees, and the other a high volume unit that includes both high volume installation and service technicians, and the disputed high volume employees.

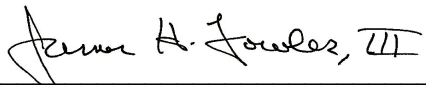
For the reasons described above, the Employer respectfully moves that the Board:

- (1) Reconsider its Decision and Order and,
- (2) In addition to its finding that separate units are appropriate, also find that (a) the commercial unit must include the disputed commercial employees, and (b) the high volume unit must include the disputed high volume employees.

Dated this 12th day of April 2012.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: 

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CERTIFICATE OF SERVICE

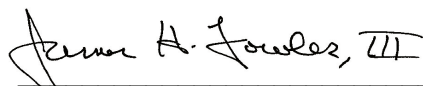
This is to certify that I have this day served **Employer's Motion for Reconsideration of the Board's Decision on Review and Order**, via facsimile on the Acting Regional Director and via e-mail on counsel as follows:

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Acting Regional Director
National Labor Relations Board
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This 12th day of April 2012.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



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